



## The Attorney General of Texas

September 21, 1978

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Attorney General

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Mr. Robert W. Smith  
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Attorneys for Dallas Ind. School Dist.  
4050 First National Bank Building  
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Open Records Decision No. 206

Re: Whether anonymous student evaluations of teachers are public under the Open Records Act.

Dear Mr. Smith:

On behalf of the Dallas Independent School District, you request our decision whether student evaluations of teachers are excepted from required public disclosure. You assert that the information is excepted under sections 3(a)(1), 3(a)(2), 3(a)(6), or 3(a)(11) of the Open Records Act, article 6252-17a, V.T.C.S.

The information submitted to this office consists of a form "Student Rating Scale" which identifies the teacher by identification code, and requests students anonymously to rate their teachers on a scale of one to four on 37 topics, such as "seems to be prepared for each class," "covers material at about the right speed," and "makes this course very interesting." The form also requests the student to estimate his or her probable grade, and to designate the student's ethnic background as "Anglo," "Black," "Mexican-American," "American Indian," "Oriental," or "Other." You have not advised us whether the information exists in a compilation. We assume that the request is for the individual responses, or a compilation if it exists.

We have previously determined in Open Records Decision No. 167 (1977), that anonymous student evaluations of faculty members are not excepted from required public disclosure under section 3(a)(2), which excepts

information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. . . .

We find no distinction between the evaluations here and those in our previous determination.

We do not believe that any of the other exceptions asserted are applicable. You have referred us to no constitutional provision, statute, or judicial decision which makes information of this type confidential so as to bring it within the section 3(a)(1) exception for "information deemed confidential by law" nor have we found any such provision. The exception in 3(a)(6) for "drafts and working papers involved in the preparation of proposed legislation" is not applicable, and the exception in 3(a)(11) for "inter-agency or intra-agency memorandums" is not applicable. See Open Records Decision No. 197 (1978).

You contend that disclosure of the information would contravene the Family Educational Rights and Privacy Act of 1974 (the Buckley Amendment), 20 U.S.C. § 1232g, and section 14(e) of the Texas Open Records Act, since the questionnaire includes personally identifiable information as to ethnic background. We agree that in some instances it is possible that disclosure of the answer to item number 39 concerning ethnic background could make a particular student's identity easily traceable. See Open Records Decision No. 185 (1977). No such specific information has been submitted on which we can make a factual determination. We believe that the district may delete the responses of certain class members to item number 39 only to the extent that it is reasonable and necessary to avoid personally identifying a particular student in the class. If the requestor objects to the extent of such deletions in a particular instance, we will accept a request to determine the issue of whether the specific information deleted is excepted from public disclosure.

It is our decision that the information requested is public information and is not excepted from required disclosure under sections 3(a)(1), 3(a)(2), 3(a)(6), or 3(a)(11). The district may delete responses to item number 39 to the extent reasonable and necessary to avoid personally identifying a particular student with his or her questionnaire.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

Mr. Robert W. Smith - Page 3

A handwritten signature in cursive script, appearing to read "C. Robert Heath". The signature is written in dark ink and is positioned above a horizontal line.

C. ROBERT HEATH, Chairman  
Opinion Committee

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